

AMENDMENTS TO LB 646

Introduced by Dierks, 40

1           1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:

3           Section 1. On the effective date of this act, the Class  
4 I, II, III, IV, V, and VI school districts which were organized  
5 as such immediately before December 1, 2005, shall be reorganized  
6 according to the boundaries on file with the State Department of  
7 Education on November 30, 2005.

8           Sec. 2. The school board or board of education of each  
9 school district reorganized pursuant to section 1 of this act shall  
10 consist of the persons who were elected at the two most recent  
11 elections which were held for that particular school board.

12           Sec. 3. Within sixty days after the effective date of  
13 this act, each Class I school district referred to in section 1  
14 of this act shall call a special meeting of the school board and  
15 the legal voters of each such Class I district for purposes of  
16 ascertaining whether such legal voters desire such Class I district  
17 to remain in existence. In the absence of an affirmative vote by  
18 fifty-five percent of the legal voters of such district who are in  
19 attendance and voting on the matter at such special meeting to the  
20 contrary, the Class I district shall be legally presumed to be in  
21 existence and duly constituted.

22           The special meeting referred to in this section shall  
23 be called by posting notice in three public places within the

1 boundaries of the Class I district at least five days before the  
2 meeting. The notice shall state the purpose of the meeting and  
3 shall contain the agenda of the meeting.

4           Sec. 4. If, at the special meeting described in section  
5 3 of this act, the legal voters of the Class I school district,  
6 by a fifty-five percent majority vote of those present and voting,  
7 vote to dissolve the district, the secretary of the school board  
8 of the Class I district shall forward to the State Committee for  
9 the Reorganization of School Districts, within ten days after such  
10 special meeting, a copy of the notice of the call of such special  
11 meeting, including the agenda items, the names of the persons  
12 moving and seconding the issue of dissolution of the district, the  
13 number of votes cast in favor of the motion, the number of votes  
14 cast against the motion, the number of legal voters present and  
15 voting at such meeting, and the number of legal voters present and  
16 not voting, if any.

17           Sec. 5. For school fiscal years 2007-08 and 2008-09,  
18 every Class I school district shall be entitled to a budget at  
19 least equal to the budget it had for school fiscal year 2005-06.  
20 Such budget may include cash reserves not to exceed forty-five  
21 percent of the general fund budget. In addition to the general fund  
22 budget referred to in this section, every school district shall  
23 be entitled to exceed the levy limitations set forth in sections  
24 77-3442 to 77-3444, without a vote of the people, for the purpose  
25 of paying for any costs incurred as a result of the enactment of  
26 Laws 2005, LB 126, and its subsequent repeal.

27           Sec. 6. Nothing in sections 1 to 5 of this act shall be

1 construed to prevent any school district from availing itself of  
2 any other levy limit exemptions provided by law.

3       Sec. 7. Any school district or local system affected by  
4 the enactment of Laws 2005, LB 126, and its subsequent repeal may,  
5 in addition to the budget authority set forth in the Tax Equity  
6 and Educational Opportunities Support Act, exceed the budget limits  
7 contained in the act for school fiscal years 2007-08 and 2008-09  
8 to pay for additional costs, expenses, salaries, transportation,  
9 equipment, excess staff, or any other cost or expense resulting  
10 from the enactment of Laws 2005, LB 126, and its subsequent repeal.

11       Exceptions to levy limitations and budget limitations  
12 described in this section and section 5 of this act shall  
13 be identified to the appropriate county clerks, and the levy  
14 identified by the affected school boards shall be levied.

15       Sec. 8. Section 32-1206, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17       32-1206 ~~Any~~ Except as provided in section 3 of this act,  
18 any election not otherwise provided for in sections 32-1203 to  
19 32-1205 which is conducted by the election commissioner or county  
20 clerk shall be paid for by the entity holding the election.

21       Sec. 9. Section 79-403, Revised Statutes Cumulative  
22 Supplement, 2006, as affected by Referendum 2006, No. 422, is  
23 amended to read:

24       79-403 (1) Except as provided in subsections (2) and (3)  
25 of this section, no new school district shall be created unless  
26 such district provides instruction in kindergarten through grade  
27 twelve.

1 (2) A new Class VI school district may be created if:

2 (a) Such Class VI school district will include at least  
3 two or more previously existing Class II or Class III school  
4 districts, except that if a reorganization petition for formation  
5 of a Class VI school district is initiated by a petition signed by  
6 fifty-five percent of the legal voters of a Class II or III school  
7 district, then such Class VI school district may include only one  
8 Class II or III school district; and

9 (b) The enrollment of the new Class VI school district  
10 is (i) at least one hundred twenty-five pupils if the district  
11 offers instruction in grades nine through twelve, (ii) at least one  
12 hundred seventy-five pupils if the district offers instruction in  
13 grades seven through twelve, or (iii) at least two hundred students  
14 if the district offers instruction in grades six through twelve,  
15 except that if such district will have population density of less  
16 than three persons per square mile, then the enrollment shall be  
17 at least seventy-five students if the district offers instruction  
18 in grades nine through twelve, at least one hundred students if  
19 the district offers instruction in grades seven through twelve, or  
20 at least one hundred twenty-five students if the district offers  
21 instruction in grades six through twelve.

22 (3) One or more new Class I districts may be created  
23 as provided in sections 1 to 7 of this act or as a part of a  
24 reorganization petition pursuant to subsection (2) of this section.

25 Sec. 10. Section 79-415, Revised Statutes Cumulative  
26 Supplement, 2006, as affected by Referendum 2006, No. 422, is  
27 amended to read:

1           79-415 (1) In addition to the petitions of legal voters  
2 pursuant to section 79-413 and the method provided in sections 1  
3 to 7 of this act, changes in boundaries and the creation of a new  
4 school district from other districts may be initiated and accepted  
5 by the school board or board of education of any district that is  
6 not a member of a learning community.

7           (2) In addition to the petitions of legal voters pursuant  
8 to section 79-413, the affiliation of a Class I district or portion  
9 thereof with one or more Class II, III, IV, or V districts may be  
10 initiated and accepted by:

11           (a) The board of education of any Class II, III, IV, or V  
12 district; and

13           (b) The school board of any Class I district in which is  
14 located a city or incorporated village.

15           Sec. 11. Section 79-479, Revised Statutes Cumulative  
16 Supplement, 2006, as affected by Referendum 2006, No. 422, is  
17 amended to read:

18           79-479 (1)(a) Beginning January 1, 1992, any school  
19 district boundaries changed by the means provided by Nebraska law,  
20 but excluding the method provided by sections 79-407 and 79-473  
21 to 79-475 or sections 1 to 7 of this act, shall be made only  
22 upon an order issued by the State Committee for the Reorganization  
23 of School Districts or county clerk. The state committee shall  
24 not issue an order changing boundaries relating to affiliation of  
25 school districts if twenty percent or more of any tract of land  
26 under common ownership which is proposing to affiliate is not  
27 contiguous to the high school district with which affiliation is

1 proposed unless (i) one or more resident students of the tract of  
2 land under common ownership has attended the high school program of  
3 the high school district within the immediately preceding ten-year  
4 period or (ii) approval of the petition or plan would allow  
5 siblings of such resident students to attend the same school as the  
6 resident students attended.

7 (b) The order issued by the state committee shall be  
8 certified to the county clerk of each county in which boundaries  
9 are changed and shall also be certified to the State Department of  
10 Education. Whenever the order changes the boundaries of a school  
11 district due to the transfer of land, the county assessor, the  
12 Property Tax Administrator, and the State Department of Education  
13 shall be provided with the legal description and a map of the  
14 parcel of land which is transferred. Such order shall be issued  
15 no later than June 1 and shall have an effective date no later  
16 than August 1 of the same year. For purposes of determining  
17 school district counts pursuant to sections 79-524 and 79-578  
18 and calculating state aid allocations pursuant to the Tax Equity  
19 and Educational Opportunities Support Act, any change in school  
20 district boundaries with an effective date between June 1 and  
21 August 1 of any year shall be considered effective July 1 of such  
22 year.

23 (2) Unless otherwise provided by sections 1 to 7 of  
24 this act or other state law or by the terms of an affiliation  
25 or reorganization plan or petition which is consistent with state  
26 law, all assets, including budget authority as provided in sections  
27 79-1023 to 79-1030, and liabilities, except bonded obligations, of

1 school districts merged, dissolved, or annexed shall be transferred  
2 to the receiving district or districts on the basis of the  
3 proportionate share of assessed valuation received at the time of  
4 reorganization. When a Class II, III, IV, or V school district  
5 becomes a Class I school district:

6 (a) Which becomes part of a Class VI district which  
7 offers instruction in grades six through twelve, 37.9310 percent of  
8 the Class II, III, IV, or V district's assets and liabilities shall  
9 be transferred to the new Class I district and the remainder shall  
10 be transferred to the Class VI district or districts of which the  
11 Class I district becomes a part on the basis of the proportionate  
12 share of assessed valuation each high school district received at  
13 the time of such change in class of district;

14 (b) Which becomes part of a Class VI district which  
15 offers instruction in grades seven through twelve, 44.8276 percent  
16 of the Class II, III, IV, or V district's assets and liabilities  
17 shall be transferred to the new Class I district and the remainder  
18 shall be transferred to the Class VI district or districts of  
19 which the Class I district becomes a part on the basis of the  
20 proportionate share of assessed valuation each high school district  
21 received at the time of such change in class of district; or

22 (c) Which is affiliated or becomes part of a Class VI  
23 district which offers instruction in grades nine through twelve,  
24 61.3793 percent of the Class II, III, IV, or V school district's  
25 assets and liabilities shall be transferred to the new Class I  
26 district and the remainder shall be transferred to the Class VI  
27 district or districts of which the Class I district becomes a part

1 and to the high school district or districts with which the Class I  
2 district is affiliated on the basis of the proportionate share of  
3 assessed valuation each high school district received at the time  
4 of such change in class of district.

5       Sec. 12. Any certificated employee, as defined in  
6 subdivision (1) of section 79-824, who as a result of the enactment  
7 of Laws 2005, LB 126, became employed by a Class II, III, IV, V, or  
8 VI school district and who was under an employment contract with a  
9 Class I school district on June 14, 2006, shall be reassigned and  
10 reallocated to the Class I district with which he or she was under  
11 contract on such date and shall remain employed by the Class I  
12 district under the terms and conditions of the employment contract  
13 between such certificated employee and the Class II, III, IV, V, or  
14 VI district at the time he or she is reassigned and reallocated  
15 to the Class I district, except that the Class I district shall  
16 pay to such certificated employee a salary and benefits equal to  
17 or greater than the amount paid to teachers by the nearest school  
18 district which offers instruction in grades kindergarten through  
19 twelve. Such employment contract shall remain in full force and  
20 effect until nonrenewed, terminated, canceled, or amended pursuant  
21 to sections 79-824 to 79-842 or other applicable law.

22       Sec. 13. Any cost in addition to the cost that would have  
23 been incurred by any Class II, III, IV, V, or VI school district  
24 as a result of the enactment of Laws 2005, LB 126, relating to  
25 the compensation of a certificated employee described in section 12  
26 of this act may be accounted for in the budget of the applicable  
27 Class II, III, IV, V, or VI district, or the Class I district,

1 as appropriate, and may constitute an exemption to applicable  
2 allowable budget growth rate and applicable levy limitations placed  
3 upon such districts. Such exceptions shall be allowable for school  
4 fiscal years 2007-08 and 2008-09.

5           Sec. 14. Every Class I school district shall have levy  
6 authority and budget authority separate and distinct from the levy  
7 authority and budget authority of its principal Class II, III,  
8 IV, V, or VI school district for purposes of reconciling any lost  
9 revenue and assets as a result of the enactment of Laws 2005,  
10 LB 126, as well as any increased liabilities resulting from its  
11 reestablishment under sections 1 to 7 of this act. Such levy  
12 authority and budget authority shall exist for school fiscal years  
13 2007-08 and 2008-09, after which the levy authority and budget  
14 authority of every Class I district shall be as provided by section  
15 79-1027.

16           Sec. 15. For school fiscal years 2007-08 and 2008-09,  
17 every Class I school district shall have the authority to borrow up  
18 to one hundred percent of its established budget for purposes of  
19 funding its budget as established by section 14 of this act.

20           Sec. 16. For school fiscal years 2007-08 and 2008-09,  
21 every Class I school district shall have returned to it all the  
22 physical assets the Class I district possessed on June 14, 2006, by  
23 the school district in possession thereof on the effective date of  
24 this act, within sixty days after the effective date of this act,  
25 except that any Class I district which by a special vote of its  
26 legal voters has received authority to dispose of its building and  
27 physical assets as excess property may be dissolved by order of the

1 State Committee for the Reorganization of School Districts upon the  
2 forwarding by such Class I district to the state committee of the  
3 notice, agenda, minutes, and recorded vote relating to such vote to  
4 dispose of its building and physical assets.

5 For purposes of this section, physical assets means the  
6 schoolhouse, equipment, supplies, books, audiovisual equipment,  
7 computers, desks, furniture, and tangible property of any kind  
8 which belonged to the Class I district on June 14, 2006.

9           Sec. 17. The Revisor of Statutes shall assign sections 1  
10 to 7 and 12 to 16 of this act within Chapter 79.

11           Sec. 18. If any section in this act or any part of any  
12 section is declared invalid or unconstitutional, the declaration  
13 shall not affect the validity or constitutionality of the remaining  
14 portions.

15           Sec. 19. Original section 32-1206, Reissue Revised  
16 Statutes of Nebraska, and sections 79-403, 79-415, and 79-479,  
17 Revised Statutes Cumulative Supplement, 2006, as affected by  
18 Referendum 2006, No. 422, are repealed.

19           Sec. 20. Since an emergency exists, this act takes effect  
20 when passed and approved according to law.